

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MICHAEL D'ANTONIO,

Plaintiff,

v.

BOROUGH OF ALLENDALE *et al.*,

Defendants.

Civil Action No.: 2:16-cv-00816

ORDER

CECCHI, District Judge.

WHEREAS the Complaint in this matter was filed on February 10, 2016. (ECF No. 1);
and

WHEREAS motions to dismiss Plaintiff's Complaint were subsequently filed by a number
of Defendants. (ECF Nos. 22, 33, 34, 36, 39, 47); and

WHEREAS the Court granted Defendants' motions to dismiss and granted Plaintiff 30
days to file an amended complaint to address the pleading deficiencies identified in the Court's
Opinion. (ECF No. 81); and

WHEREAS Plaintiff filed an Amended Complaint on March 8, 2017. (ECF No. 84); and

WHEREAS motions to dismiss Plaintiff's Amended Complaint were subsequently filed by
a number of Defendants. (ECF Nos. 91, 92, 93, 96, 102, 105); and

WHEREAS on October 12, 2017, the Court received a letter indicating that Plaintiff has
retained counsel and seeks to "file a Motion for Leave to Amend his Complaint in order to ensure
that this Court's decision regarding the plaintiff's first complaint is properly and adequately
addressed." (ECF No. 161); and

WHEREAS Defendant Bergen County Sheriff's Department opposed Plaintiff's letter. (ECF No. 162).

Accordingly, IT IS on this 13 day of October, 2017, in the interest of justice and for good cause shown:

ORDERED that Plaintiff is granted thirty (30) days from the date of this Order to file a Second Amended Complaint, which will supersede and replace Plaintiff's Amended Complaint (ECF No. 84), and thus must contain all of Plaintiff's factual allegations; it is further

ORDERED that, the pending motions to dismiss are administratively terminated as moot (ECF Nos. 91, 92, 93, 96, 102, 105); it is further

ORDERED that, because Plaintiff has indicated that he has retained counsel, the pending motion to appoint *pro bono* counsel is administratively terminated as moot (ECF No. 149); and it is further

ORDERED that, Defendants shall respond to Plaintiff's Second Amended Complaint in accordance with the Federal Rules of Civil Procedure.

SO ORDERED.



CLAIRE C. CECCHI, U.S.D.J.